IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8672 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JELIBEN NATVERLAL PATEL D/O DAHYABHAI.M.PATEL - Petitioner(s)
Versus
THE SUPERINTENDENT THE REGIONAL PASSPORT OFFICE & 1 - Respondent(s)

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Appearance :
MR RAJESH K SHAH for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 1,
MR YN RAVANI for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 10/04/2007

ORAL JUDGMENT

1. **Rule**. Mr. Ravani learned Additional Central

Govt. Standing Counsel waives service of rule on behalf of the respondent. At the request of the learned advocates the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the birth date in the passport issued by the respondent authority. According to the petitioner his correct date of birth is 30th August, 1958, as per the record of the birth issued by Mamlatdar, Bardoli. However, in the school leaving certificate the birth date is shown as 3rd June, 1958. It appears that in the passport entry with regard to the brith date is made on the basis of the school leaving certificate. She, therefore, seeks to correct the birth date in the passport on the basis of of the record of the birth issued by Mamlatdar, Bardoli.

3. Having heard Mr. R. K. Shah learned advocate for the petitioner and Mr. Ravani learned Additional Central Government Standing Counsel for the respondent, it appears that in the passport the entry with regard to the birth date is made on the basis of the school leaving certificate issued by The Kadod High School. The copy of the record of the birth issued by Mamlatdar, Bardoli is annexed at annexure-B, which shows that the birth date of

the petitioner is 30th August, 1958. This Court has often held that the birth certificate is the authenticate document, so far as the date of birth is concerned. It will prevail upon any other document that may come into existence subsequently.

3.1. So far as the grievance of the petitioner is concerned, it can be redressed by passing the following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be issued, if otherwise she is not found ineligible.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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